

Ordinance to Amend and Reenact Chapter 35.1 of the City Code of the City of Hampton, Virginia Entitled, "Site Plans" By Amending Section 35.1-2 Pertaining to Application and Scope of Chapter and Definitions and Adding Sections 35.1-2.1 and 35.1-2.2 Pertaining to Exemptions from Site Plan Approval.

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require:

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, that Chapter 35.1 of the City Code of the City of Hampton, Virginia be amended and reenacted to read as follows:

Sec. 35.1-2. – Application and scope of chapter; definitions.

- (A) The site plan regulations contained in this chapter shall apply within the corporate limits of the city.
- (B) Except as may otherwise be defined herein or in other applicable provisions of the City Code and the City Zoning Ordinance, the definitions set forth in chapter 2.1 of the City Zoning Ordinance shall control the meaning of any terms or phrases used herein. The terms "owner" and "developer" are used interchangeably throughout this chapter and the provisions of this chapter are applicable to an owner or developer of a site.

Sec. 35.1-2.1 – Approved site plan required.

- (A) Unless exempt pursuant to section 35.1-2.2, the following shall require submission of a site plan for review and approval prior to the issuance of any building, zoning, right-of-way, or infrastructure permit or certificate of occupancy:
 - (1) **New construction and redevelopment.** Any structure or improvement permitted by the zoning ordinance as a principal, accessory, conditional, or special exception use in any district.
 - (2) **Newly created parking lots and expansions to existing parking lots.** Any new parking lot or expansion to an existing parking lot exceeding 10,000 square feet of land disturbance.
 - (3) **Alteration of grade.** Alteration of the grade of land in such a manner as to change existing contours in excess of three (3) feet.
 - (4) **Construction or alteration of public facilities or infrastructure.** Construction or alteration of public streets, alleys, sidewalks, curbs, gutters, retaining walls, off-street parking facilities, sewer or drainage systems, stormwater management improvements, or other such public improvements.

Sec. 35.1-2.2. Exemptions from site plan approval.

(A) The following types of development are exempt from the requirement for a site plan approval:

(1) **Certain residential development.**

- (i) A subdivision of one-family dwellings if a development plan has been submitted and approved in accordance with chapter 35 of the city code.
- (ii) A subdivision of one-family dwellings if a subdivision plat was duly recorded before the adoption of the city's subdivision ordinance.
- (ii) One-family, two-family and duplex dwellings and accessory buildings or accessory structures to such dwellings, except as may be otherwise regulated or prohibited under other applicable provisions of the zoning ordinance or city code.

(2) **Agricultural operations.** Agricultural operations as defined by § 3.2-300 of the Code of Virginia, as amended, and under those uniform standards as may be prescribed by the commissioner of agriculture and consumer services, or those uses devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

(3) **Bona fide tree farmers.** Bona fide tree farmers having a forest planting, cutting, or management plan approved by the state forester of the department of forestry and a written certification from the state forester that the proposed operations are in conformity with the approved management plan prior to any timber harvesting operations.

(B) The following additional types of development set forth in subsection (C) are exempt from the requirement for site plan approval provided that the following conditions are met:

- (1) The development does not require direct connection to public infrastructure, not including taps or meter connections.
- (2) The development does not reduce the amount of existing green area on the site.
- (3) No part of the development is within the Chesapeake Bay Preservation district as set forth in the zoning ordinance.

- (4) The applicant submits a scaled two-dimensional plan or drawing and physical property survey as set forth in chapter 25 of the zoning ordinance, which governs issuance of building permits.
- (C) Provided that all of the requirements stated in subsection (B) are met, the following types of development are exempt from site plan approval:
- (1) **Additions to buildings or storage structures.** Additions to building or storage structures less than 1,000 square feet in area.
 - (2) **Alterations or additions to a site.** Alterations or additions to a site that do not exceed 10,000 square feet of land disturbance such as walkways, landscaping, paving, light poles, or lighting fixtures, but not including buildings or structures.
 - (3) **Ornamental and accessory structures and façade improvements.** Ornamental structures or façade improvements, including but not limited to bay windows, chimneys, canopies, decks (covered and uncovered), vestibules, loading docks, and mechanical equipment.
 - (4) **Temporary uses and structures.** Temporary uses, buildings, and structures provided that such a use, building, or structure:
 - (i) Does not exceed a continued period of six (6) months;
 - (ii) Does not occur before a period of 90 days has elapsed since the last temporary use building, or structure was terminated and completely removed from the site; and
 - (iii) Does not remain on the site more than 30 days after discontinuance of the temporary use, building, or structure.
 - (5) **Public service companies performing normal and necessary maintenance activities.**
 - (6) **Recreational amenities in public parkland.** Recreational amenities in public parkland that do not exceed a total of 10,000 square feet land disturbance, including but not limited to gazebos, benches, and playground equipment; provided, however, this exception shall not include uses such as swimming pools, paved tennis or play courts regardless of size.
 - (7) **Bus shelters.**

(8) **Retaining walls.** Retaining walls affecting less than 10,000 square feet of land disturbance with review and approval by the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality, the Hampton Wetlands Board, the Chesapeake Bay Review Committee, and/ or the Virginia Marine Resources Commission, as applicable.

(D) All development, regardless of exemption from this chapter, shall be subject to all other applicable provisions of the city code and zoning ordinance, including but not limited to chapters 9, 13.1, 33.2 and 41.1 of the city code.

....